



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/011,852	12/04/2001	David M. Smart	1935-1-3	5227
996	7590	12/27/2004		
GRAYBEAL, JACKSON, HALEY LLP 155 - 108TH AVENUE NE SUITE 350 BELLEVUE, WA 98004-5901				
EXAMINER				
MORRISON, NASCHICA SANDERS				
ART UNIT		PAPER NUMBER		
3632				

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/011,852		Applicant(s) SMART, DAVID M.	
	Examiner Naschica S Morrison		Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 22 July 2004.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-10, 12-19, 30-32 and 34-37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 12-19, 30-32, 34, 36 and 37 is/are allowed.

6) ☒ Claim(s) 1-10 and 35 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
---	--

DETAILED ACTION

This is the sixth Office Action for serial number 10/011,852, Collapsible Support with Arms and Legs and Method for Using, filed on December 4, 2002. Claims 1-10, 12-19, 30-32, and 34-37 are pending.

Withdrawal of Finality

Applicant's request for reconsideration of the rejection of claims 1-10 and 35 of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Rejections based on Slusher follow.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,062,372 to Slusher. Regarding claims 1 and 3-10, Slusher discloses an extendable and retractable apparatus comprising: a body (11) including a longitudinal axis; a leg attachment assembly comprising a plurality of arms (45) attached to the body and extendable to an extended position that is substantially perpendicular to the longitudinal axis; an arm attachment assembly (21) operable to move the arms (45); a plurality of legs (31-33) attached to the body and extendable to an extended position by the leg attachment assembly, wherein the extended position includes the legs being at an acute angle relative to the longitudinal axis of the body, and wherein the legs are

operable to support the support in an upright position; a biasing member (23) linked to the arms and legs and operable to simultaneously move the arms and legs; and an actuating member (12) attached to the body and operable to move the arms and legs, wherein the arms and legs are retractable to a position substantially parallel to the longitudinal axis of the body.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slusher in view of U.S. Patent 4,355,779 to Heled. Regarding claims 2 and 35, Slusher discloses the support as applied to claims 1 and 3-10 above, but does not disclose a locking mechanism. Heled discloses an extendable and retractable support comprising a locking mechanism (58) operable to retain a leg attachment assembly (31, 44) in an extended or collapsed position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support of Slusher to include a locking mechanism engaged with the body (11) and contactable with the arm attachment assembly (21) because one would have been motivated to provide a means

for releasably securing the legs in the desired position (i.e. extended or retracted) as taught by Heled (col. 3, lines 34-38 and col. 4, lines 37-40).

Allowable Subject Matter

Claims 12-19, 30-32, 34, 36 and 37 are allowed.

The following is an examiner's statement of reasons for allowance: regarding claim 30, although the prior art of record discloses many of the limitations in the claim, it fails to further teach or suggest moving the arm ring and leg ring in the same direction to simultaneously extend the arms and legs to the extended position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Response to Arguments

Applicant's arguments, see page 8 of response filed 3/22/04, response filed 7/22/04 and interview summary for 7/14/04 and 7/20/04, with respect to the rejection of claims 1-10 and 35 under Gray have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Slusher.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
12/21/04


ANITA KING
PRIMARY EXAMINER